



House of Representatives

General Assembly

File No. 577

January Session, 2013

Substitute House Bill No. 6590

House of Representatives, April 18, 2013

The Committee on Public Health reported through REP. JOHNSON of the 49th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING LICENSING OF TATTOO TECHNICIANS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2013*) As used in this section
2 and sections 2 to 6, inclusive, of this act and subsection (c) of section
3 19a-14 of the general statutes, as amended by this act:

4 (1) "Commissioner" means the Commissioner of Public Health.

5 (2) "Department" means the Department of Public Health.

6 (3) "Tattooing" means marking or coloring, in an indelible manner,
7 the skin of any person by pricking in coloring matter or by producing
8 scars.

9 (4) "Tattoo technician" means a person who practices tattooing on
10 another person.

11 Sec. 2. (NEW) (*Effective October 1, 2013*) (a) Except as provided in
12 subsection (c) of this section, on and after July 1, 2014, no person shall

13 engage in the practice of tattooing unless the person is eighteen years
14 of age or older and has obtained a license from the Department of
15 Public Health pursuant to this section. Each person seeking licensure
16 as a tattoo technician shall make application on a form prescribed by
17 the department, pay an application fee of two hundred fifty dollars
18 and present to the department satisfactory evidence that the applicant:
19 (1) Has completed one or more education courses approved by the
20 Commissioner of Public Health; (2) has passed one or more
21 examinations approved by the commissioner; and (3) has successfully
22 completed a course in first aid. Not later than January 1, 2014, the
23 commissioner shall: (A) Approve one or more education courses and
24 examinations concerning blood-borne pathogens and communicable
25 diseases for purposes of ascertaining the credentials of persons
26 applying to be licensed as tattoo technicians in accordance with this
27 section, and (B) in consultation with the Labor Commissioner, establish
28 a training program for new licensees who have less than one year of
29 experience to practice tattooing under the direct supervision of
30 experienced tattoo technicians.

31 (b) Licenses shall be renewed once every two years in the form and
32 manner prescribed by the commissioner. The fee for renewal shall be
33 two hundred dollars. No license shall be issued under this section to
34 any applicant against whom professional disciplinary action is
35 pending or who is the subject of an unresolved complaint in this or any
36 other state or jurisdiction.

37 (c) The provisions of this section shall not apply to a physician, an
38 advanced practice registered nurse rendering service under the
39 direction of a physician, a registered nurse rendering service under the
40 supervision, control and responsibility of a physician, or a physician
41 assistant rendering service under the supervision, control and
42 responsibility of a physician.

43 (d) No person shall use the title "tattoo technician" or "tattoo artist"
44 unless the person holds a license issued in accordance with this
45 section.

46 (e) (1) Any person who is licensed at the time of application as a
47 tattoo technician, or as a person entitled to perform similar services
48 under a different designation, in another state of the United States, the
49 District of Columbia or a commonwealth or territory subject to the
50 laws of the United States, whose requirements for licensure in such
51 capacity are equivalent to or higher than those of this state, shall be
52 eligible for licensure in this state and entitled to a license without
53 examination upon payment of a fee of one hundred dollars. No license
54 shall be issued under this subsection to any applicant against whom
55 professional disciplinary action is pending or who is the subject of an
56 unresolved complaint.

57 (2) (A) The commissioner may issue a temporary permit to an
58 applicant for licensure without examination who is licensed or
59 certified to practice tattooing in another state. Such applicant for a
60 temporary permit shall submit to the department a completed
61 application form accompanied by the appropriate fee, as determined
62 by the commissioner. Such applicant for a temporary permit shall
63 additionally submit a copy of a current license or certification to
64 practice tattooing from another state of the United States, the District
65 of Columbia or a commonwealth or territory subject to the laws of the
66 United States and a notarized affidavit attesting that the license or
67 certification is valid and belongs to the person requesting notarization.
68 A temporary permit for an applicant for licensure without examination
69 shall be valid for a period not to exceed one hundred twenty calendar
70 days and shall not be renewable.

71 (B) The commissioner may issue a temporary permit to an applicant
72 previously licensed in Connecticut whose license has become void.
73 Such applicant for a temporary permit shall submit to the department
74 a completed application form accompanied by the appropriate fee, as
75 determined by the commissioner. A temporary permit for an applicant
76 previously licensed in Connecticut whose license has become void
77 shall be valid for a period not to exceed one hundred twenty calendar
78 days and shall not be renewable.

79 (C) The commissioner may issue a temporary permit to a person
80 licensed or certified to practice tattooing in another state for the
81 purpose of attending an educational event or trade show in the state,
82 participating in a product demonstration in the state or practicing
83 tattooing temporarily in a specified location in the state. Such applicant
84 for a temporary permit shall submit to the department a completed
85 application form accompanied by the appropriate fee, as determined
86 by the commissioner. Such applicant for a temporary permit shall
87 additionally submit a copy of a current license or certification to
88 practice tattooing from another state of the United States, the District
89 of Columbia or a commonwealth or territory subject to the laws of the
90 United States and a notarized affidavit attesting that the license or
91 certification is valid and belongs to the person requesting notarization.
92 A temporary permit issued in accordance with this subparagraph shall
93 be valid for a period not to exceed fourteen consecutive days, shall not
94 be renewable and a temporary permit for such applicant shall not be
95 issued more than once in any calendar year.

96 (D) No temporary permit shall be issued under this subsection to
97 any applicant against whom professional disciplinary action is
98 pending or who is the subject of an unresolved complaint.

99 Sec. 3. (NEW) (*Effective October 1, 2013*) On and after July 1, 2014, no
100 person shall: (1) Buy, sell or fraudulently obtain or furnish any
101 diploma, certificate, license, record or registration purporting to show
102 that any person is qualified or authorized to practice tattooing, as
103 provided in section 2 of this act, or participate in buying, selling,
104 fraudulently obtaining or furnishing any such document; (2) practice
105 or attempt or offer to practice tattooing under cover of any diploma,
106 certificate, license, record or registration illegally or fraudulently
107 obtained or signed, or issued unlawfully or under fraudulent
108 representation or mistake of fact in a material regard; (3) practice or
109 attempt or offer to practice tattooing under a name other than such
110 person's own name or under a false or assumed name; (4) aid or abet
111 practice by a person not lawfully licensed to practice tattooing within
112 this state or by a person whose license to practice has been suspended

113 or revoked; (5) use in such person's advertising the word "tattoo",
114 "tattooing" or any description of services involving marking or
115 coloring, in an indelible manner, the skin of any person, without
116 having obtained a license under the provisions of section 2 of this act;
117 or (6) practice tattooing on a person who is an unemancipated minor
118 under eighteen years of age without the permission of such person's
119 parent or guardian. No person shall, during the time such person's
120 license as a tattoo technician is revoked or suspended, practice or
121 attempt or offer or advertise to practice tattooing or be employed by,
122 work with or assist, in any way, any person licensed to practice
123 tattooing. Any person who violates any provision of this section shall
124 be guilty of a class D misdemeanor.

125 Sec. 4. (NEW) (*Effective October 1, 2013*) The Department of Public
126 Health may take any action set forth in section 19a-17 of the general
127 statutes if a person issued a license as a tattoo technician pursuant to
128 section 2 of this act fails to conform to the accepted standards of the
129 tattoo profession, as determined by the Commissioner of Public
130 Health, or violates any provision of this section or section 2 or 3 of this
131 act and regulations adopted in accordance with section 6 of this act.
132 The commissioner may order a tattoo technician to submit to a
133 reasonable physical or mental examination if such tattoo technician's
134 physical or mental capacity to practice safely is the subject of an
135 investigation. The commissioner may petition the superior court for
136 the judicial district of Hartford to enforce such order or any action
137 taken pursuant to section 19a-17 of the general statutes. Notice of any
138 contemplated action under said section, the cause of the action and the
139 date of a hearing on the action shall be given to the licensee and an
140 opportunity for hearing afforded in accordance with the provisions of
141 chapter 54 of the general statutes.

142 Sec. 5. (NEW) (*Effective October 1, 2013*) The Commissioner of Public
143 Health shall carry out the commissioner's responsibilities with respect
144 to enforcement of the provisions of sections 2 to 4, inclusive, of this act
145 within available appropriations.

146 Sec. 6. (NEW) (*Effective October 1, 2013*) (a) An establishment where
147 tattooing is practiced is subject to inspection by the Department of
148 Public Health or its authorized agents.

149 (b) The Commissioner of Public Health shall, in accordance with
150 chapter 54 of the general statutes, adopt such regulations as are
151 necessary to implement the provisions of sections 1 to 5, inclusive, of
152 this act. Such regulations shall include, but need not be limited to: (1)
153 Standards for cleaning and sterilization of equipment; (2) standards for
154 preparation and care of the tattoo site; (3) requirements concerning
155 permitting, registration or certification by local health departments or
156 districts to operate an establishment where tattooing is practiced; (4)
157 standards for cleaning and maintaining the establishment where
158 tattooing is practiced; and (5) requirements concerning protocols to
159 prevent infection to be followed by each tattoo technician and a
160 requirement that a written copy of such protocols be maintained on the
161 premises of such establishment.

162 Sec. 7. Subsection (c) of section 19a-14 of the general statutes is
163 repealed and the following is substituted in lieu thereof (*Effective*
164 *October 1, 2013*):

165 (c) No board shall exist for the following professions that are
166 licensed or otherwise regulated by the Department of Public Health:

167 (1) Speech and language pathologist and audiologist;

168 (2) Hearing instrument specialist;

169 (3) Nursing home administrator;

170 (4) Sanitarian;

171 (5) Subsurface sewage system installer or cleaner;

172 (6) Marital and family therapist;

173 (7) Nurse-midwife;

- 174 (8) Licensed clinical social worker;
- 175 (9) Respiratory care practitioner;
- 176 (10) Asbestos contractor and asbestos consultant;
- 177 (11) Massage therapist;
- 178 (12) Registered nurse's aide;
- 179 (13) Radiographer;
- 180 (14) Dental hygienist;
- 181 (15) Dietitian-Nutritionist;
- 182 (16) Asbestos abatement worker;
- 183 (17) Asbestos abatement site supervisor;
- 184 (18) Licensed or certified alcohol and drug counselor;
- 185 (19) Professional counselor;
- 186 (20) Acupuncturist;
- 187 (21) Occupational therapist and occupational therapist assistant;
- 188 (22) Lead abatement contractor, lead consultant contractor, lead
189 consultant, lead abatement supervisor, lead abatement worker,
190 inspector and planner-project designer;
- 191 (23) Emergency medical technician, advanced emergency medical
192 technician, emergency medical responder and emergency medical
193 services instructor;
- 194 (24) Paramedic;
- 195 (25) Athletic trainer;
- 196 (26) Perfusionist;

197 (27) Master social worker subject to the provisions of section 20-
198 195v; [and]

199 (28) On and after July 1, 2011, a radiologist assistant, subject to the
200 provisions of section 20-74tt; [.] and

201 (29) Tattoo technician.

202 The department shall assume all powers and duties normally vested
203 with a board in administering regulatory jurisdiction over such
204 professions. The uniform provisions of this chapter and chapters 368v,
205 369 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399, 400a
206 and 400c, including, but not limited to, standards for entry and
207 renewal; grounds for professional discipline; receiving and processing
208 complaints; and disciplinary sanctions, shall apply, except as otherwise
209 provided by law, to the professions listed in this subsection.

210 Sec. 8. Subsection (b) of section 20-9 of the general statutes is
211 repealed and the following is substituted in lieu thereof (*Effective*
212 *October 1, 2013*):

213 (b) The provisions of this chapter shall not apply to:

214 (1) Dentists while practicing dentistry only;

215 (2) Any person in the employ of the United States government while
216 acting in the scope of his employment;

217 (3) Any person who furnishes medical or surgical assistance in cases
218 of sudden emergency;

219 (4) Any person residing out of this state who is employed to come
220 into this state to render temporary assistance to or consult with any
221 physician or surgeon who has been licensed in conformity with the
222 provisions of this chapter;

223 (5) Any physician or surgeon residing out of this state who holds a
224 current license in good standing in another state and who is employed
225 to come into this state to treat, operate or prescribe for any injury,

226 deformity, ailment or disease from which the person who employed
227 such physician, or the person on behalf of whom such physician is
228 employed, is suffering at the time when such nonresident physician or
229 surgeon is so employed, provided such physician or surgeon may
230 practice in this state without a Connecticut license for a period not to
231 exceed thirty consecutive days;

232 (6) Any person rendering service as (A) an advanced practice
233 registered nurse if such service is rendered in collaboration with a
234 licensed physician, or (B) an advanced practice registered nurse
235 maintaining classification from the American Association of Nurse
236 Anesthetists if such service is under the direction of a licensed
237 physician;

238 (7) Any nurse-midwife practicing nurse-midwifery in accordance
239 with the provisions of chapter 377;

240 (8) Any podiatrist licensed in accordance with the provisions of
241 chapter 375;

242 (9) Any Christian Science practitioner who does not use or prescribe
243 in his practice any drugs, poisons, medicines, chemicals, nostrums or
244 surgery;

245 (10) Any person licensed to practice any of the healing arts named
246 in section 20-1, who does not use or prescribe in his practice any drugs,
247 medicines, poisons, chemicals, nostrums or surgery;

248 (11) Any graduate of any school or institution giving instruction in
249 the healing arts who has been issued a permit in accordance with
250 subsection (a) of section 20-11a and who is serving as an intern,
251 resident or medical officer candidate in a hospital;

252 (12) Any student participating in a clinical clerkship program who
253 has the qualifications specified in subsection (b) of section 20-11a;

254 (13) Any person, otherwise qualified to practice medicine in this
255 state except that he is a graduate of a medical school located outside of

256 the United States or the Dominion of Canada which school is
257 recognized by the American Medical Association or the World Health
258 Organization, to whom the Connecticut Medical Examining Board,
259 subject to such regulations as the Commissioner of Public Health, with
260 advice and assistance from the board, prescribes, has issued a permit
261 to serve as an intern or resident in a hospital in this state for the
262 purpose of extending his education;

263 (14) Any person rendering service as a physician assistant licensed
264 pursuant to section 20-12b, a registered nurse, a licensed practical
265 nurse or a paramedic, as defined in subdivision (15) of section 19a-175,
266 acting within the scope of regulations adopted pursuant to section 19a-
267 179, if such service is rendered under the supervision, control and
268 responsibility of a licensed physician;

269 (15) Any student enrolled in an accredited physician assistant
270 program or paramedic program approved in accordance with
271 regulations adopted pursuant to section 19a-179, who is performing
272 such work as is incidental to his course of study;

273 (16) Any person who, on June 1, 1993, has worked continuously in
274 this state since 1979 performing diagnostic radiology services and who,
275 as of October 31, 1997, continued to render such services under the
276 supervision, control and responsibility of a licensed physician solely
277 within the setting where such person was employed on June 1, 1993;

278 (17) Any person practicing athletic training, as defined in section 20-
279 65f;

280 (18) When deemed by the Connecticut Medical Examining Board to
281 be in the public's interest, based on such considerations as academic
282 attainments, specialty board certification and years of experience, to a
283 foreign physician or surgeon whose professional activities shall be
284 confined within the confines of a recognized medical school;

285 [(19) Any technician engaging in tattooing in accordance with the
286 provisions of section 19a-92a and any regulations adopted thereunder;]

287 [(20)] (19) Any person practicing perfusion, as defined in section 20-
 288 162aa; or

289 [(21)] (20) Any foreign physician or surgeon (A) participating in
 290 supervised clinical training under the direct supervision and control of
 291 a physician or surgeon licensed in accordance with the provisions of
 292 this chapter, and (B) whose professional activities are confined to a
 293 licensed hospital that has a residency program accredited by the
 294 Accreditation Council for Graduate Medical Education or that is a
 295 primary affiliated teaching hospital of a medical school accredited by
 296 the Liaison Committee on Medical Education. Such hospital shall
 297 verify that the foreign physician or surgeon holds a current valid
 298 license in another country.

299 Sec. 9. Section 19a-92a of the general statutes is repealed. (*Effective*
 300 *July 1, 2014*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	New section
Sec. 2	<i>October 1, 2013</i>	New section
Sec. 3	<i>October 1, 2013</i>	New section
Sec. 4	<i>October 1, 2013</i>	New section
Sec. 5	<i>October 1, 2013</i>	New section
Sec. 6	<i>October 1, 2013</i>	New section
Sec. 7	<i>October 1, 2013</i>	19a-14(c)
Sec. 8	<i>October 1, 2013</i>	20-9(b)
Sec. 9	<i>July 1, 2014</i>	Repealer section

PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Public Health, Dept.	GF - Potential Revenue Gain	24,250	21,250
State Comptroller - Fringe Benefits ¹	GF - Cost	13,706	31,427
Public Health, Dept.	GF - Cost	43,932	94,837
Judicial Dept.	GF - Potential Revenue Gain	less than 1,250	less than 1,250

Municipal Impact: None

Explanation

The bill creates a new tattoo technician licensure category that is estimated to result in a net state cost of approximately \$32,388 in FY 14 and \$104,013 in FY 15. This estimate includes costs to the Department of Public Health (DPH) of \$43,932 in FY 14 and \$94,837 in FY 15 and a cost to the State Comptroller - Fringe Benefits of \$13,706 in FY 14 and \$31,427 in FY 15. These costs are partially offset by an estimated potential DPH General Fund (GF) revenue gain of \$24,250 in FY 14 and \$21,250 in FY 15 and a potential Judicial Department GF revenue gain of less than \$1,250 in both FY 14 and FY 15.

Per the 2007 U.S. Census, there are 34 tattoo parlor establishments in Connecticut categorized under NAICS code 812199 - Other Personal Care Services: Tattoo Services. Based on the employment data under NAICS code 812199, it is estimated that there are approximately 204

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 34.54% of payroll in FY 14 and FY 15.

tattoo technicians at tattoo parlor establishments in Connecticut. Costs to DPH to license these individuals are reflected partially in FY 14 as the bill is effective 10/1/13 and the requirement to hold a tattoo technician license if engaging in the practice of tattooing is not effective until 7/1/14. As such, a part-time Special Investigator and a part-time Health Program Assistant I are reflected with a 10/1/13 start date at a cost of \$39,682 to DPH and \$13,706 to the State Comptroller – Fringe Benefits in FY 14 and \$90,987 to DPH and \$31,427 to State-Comptroller – Fringe Benefits in FY 15. DPH and State-Comptroller – Fringe Benefits costs for a part-time Staff Attorney I, to act as a hearing officer and prosecutor, are not included until FY 15 when the licensure requirement becomes active. One-time equipment costs for computers are incurred by DPH in FY 14 for two positions (\$1,400) and in FY 15 for one position (\$700). Other expenses under DPH include outreach to increase tattoo artist awareness of this new licensure requirement (\$2,000 in both FY 14 and FY 15), travel, printing, mailing, and office supply expenses of \$850 in FY 14 and \$1,150 in FY 15.

Under the bill, the fee for initial tattoo technician licensure is \$250 and the fee for biannually renewal of such license is \$200, in the form and manner prescribed by the DPH Commissioner. It is assumed DPH will adopt a birth-year renewal schedule as it does for other professions, therefore a small number of individuals (estimated at 5) may be required to renew their license before two full years have passed resulting in \$1,000 of potential revenue in FY 15. The fee for temporary permits is not set in the bill and is assumed at \$100. The fee for licensure without examination due to licensure in another state, with certain requirements, is \$100. A table of the estimated potential DPH revenue is provided below.

Potential DPH Tattoo Technician Licensure Revenue

Fee	Rate \$	FY 14		FY 15	
		Est. #	Projected Revenue \$	Est. #	Projected Revenue \$
Temporary permits ¹	100	10	1,000	10	1,000
Initial license	250	89	22,250	75	18,750

Fee	Rate \$	FY 14		FY 15	
		Est. #	Projected Revenue \$	Est. #	Projected Revenue \$
Licensed in another state with acceptable standards	100	10	1,000	5	500
Renewal license	200	0	-	5	1,000
TOTAL		109	24,250	95	21,250

¹Fee amount is not set under the bill.

The bill also makes it an offense to violate provisions of the licensing requirement. The number of potential offenders for this new offense is unknown but anticipated to be less than 5, resulting in a potential revenue gain of less than \$1,250 to the Judicial Department for fines associated with this provision.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of tattoo technicians that become licensed in Connecticut. In addition, normal annual pension costs (currently estimated at 7.5% of payroll) attributable to the identified personnel changes will be recognized in the state's annual required pension contribution in future actuarial valuations.

Sources: 2007 U.S. Census

OLR Bill Analysis**sHB 6590*****AN ACT CONCERNING LICENSING OF TATTOO TECHNICIANS.*****SUMMARY:**

This bill creates a new license category for tattoo artists (called “tattoo technician”) administered by the Department of Public Health (DPH). Starting July 1, 2014, the bill prohibits anyone from engaging in the practice of tattooing unless he or she is age 18 or older and obtains this license. The bill:

1. establishes licensure requirements and sets fees for initial licenses and renewals;
2. allows for licensure without examination in certain cases;
3. provides for temporary permits to practice;
4. requires DPH, in consultation with the Labor Department, to create a training program for new licensees to practice under the direct supervision of an experienced tattoo technician;
5. allows DPH to take certain enforcement actions against a licensee who fails to comply with the bill, DPH regulations, or accepted professional standards;
6. subjects tattoo establishments to inspection by DPH or its authorized agents;
7. requires DPH to adopt regulations to implement the licensure program; and
8. makes technical and conforming changes, including repealing a statute regarding tattooing by specified medical professionals.

The bill specifies that (1) the DPH commissioner must enforce the bill only if appropriations are available and (2) no new regulatory board is established for tattoo technicians.

The bill's licensing requirement does not apply to (1) physicians; (2) advanced practice registered nurses working under a physician's direction; or (3) registered nurses or physician assistants working under a physician's supervision, control, or responsibility.

EFFECTIVE DATE: October 1, 2013, except for the repealer provision, which takes effect July 1, 2014.

TATTOO TECHNICIANS

Definition

The bill defines "tattooing" as marking or coloring, in an indelible manner, the skin of any person by pricking in coloring matter or by producing scars.

Licensure Requirements

The bill requires an applicant for a tattoo technician license to provide DPH with satisfactory evidence that he or she (1) completed at least one DPH-approved education course, (2) passed at least one DPH-approved examination, and (3) successfully completed a first aid course.

The license application fee is \$250. Licenses must be renewed biennially for a fee of \$200. No license or temporary permit (see below) can be issued if the applicant is facing pending disciplinary action or is the subject of an unresolved complaint in Connecticut or another state. A person is prohibited from using the title "tattoo technician" or "tattoo artist" unless he or she has a Connecticut-issued tattoo technician license.

The bill requires the DPH commissioner, by January 1, 2014, to (1) approve at least one education course and examination concerning blood-borne pathogens and communicable diseases to ascertain applicants' credentials and (2) establish a training program, in

consultation with the labor commissioner, for new licensees who have less than one year of experience to practice tattooing under the direct supervision of “experienced tattoo technicians.” (The bill does not define this term.)

Licensure Without Examination

The bill allows the DPH commissioner to issue a license without examination to an applicant who is licensed as a tattoo technician or to perform similar services in another state or jurisdiction whose licensure requirements are substantially similar to or higher than Connecticut’s. The applicant must pay a \$100 fee. It is unclear whether this fee is in addition to the \$250 application fee.

Temporary Permit

The bill allows DPH to issue a temporary permit to:

1. an applicant for licensure without examination who is licensed or certified to practice tattooing in another state;
2. a person licensed or certified to practice tattooing in another state who is in Connecticut to attend an educational event or trade show, participate in a product demonstration, or temporarily practice tattooing in a specified location; and
3. an applicant previously licensed in Connecticut whose license is void.

Applicants must submit to DPH a completed application and a fee the commissioner determines. An applicant licensed or certified in another state must also submit a (1) copy of a current license or certification to practice tattooing from another state or jurisdiction and (2) notarized affidavit attesting that the license or certification is valid and belongs to him or her.

The temporary permit, which is not renewable, authorizes the holder to work as a tattoo technician for up to 120 calendar days with one exception. Temporary permits issued to people licensed or

certified in another state who are in Connecticut for the educational and professional purposes specified above are valid for up to 14 consecutive days and can be issued once each year.

Title Protection

The bill prohibits anyone from:

1. buying, selling, or fraudulently obtaining or furnishing any diploma, certificate, license, record, or registration showing that a person is qualified or authorized to practice tattooing or participating in such actions;
2. practicing or attempting to offer to practice tattooing (a) under the cover of any of the above documents or (b) under a name other than his or her own;
3. aiding or abetting tattooing by a person not licensed in Connecticut or whose license is suspended or revoked;
4. advertising services under the description of tattooing or using the word “tattoo” or “tattooing” without a Connecticut-issued tattoo technician license;
5. practicing tattooing on an unemancipated minor under age 18 without permission of the minor’s parent or guardian; or
6. during a period of license suspension or revocation, (a) practicing or attempting, offering, or advertising to practice tattooing or (b) working for or assisting a licensed tattoo technician.

A person who violates this provision is guilty of a class D misdemeanor, which is punishable by a fine of up to \$250, imprisonment of up to 30 days, or both.

Disciplinary Action

The bill allows DPH to take disciplinary action against a licensed tattoo technician who (1) fails to conform to accepted professional

standards, as determined by the DPH commissioner, or (2) violates the bill or subsequent DPH regulations.

By law, disciplinary actions available to DPH include license revocation or suspension; censure; a letter of reprimand; probation; or a civil penalty. The department can also order a licensee to undergo a reasonable physical or mental examination if there is an investigation about his or her physical or mental capacity to practice safely (CGS § 19a-17).

The bill allows the DPH commissioner to petition the Superior Court for the Hartford judicial district to enforce any disciplinary action it takes. The department must notify the licensee of any contemplated disciplinary action and its cause, the hearing date on the action, and the opportunity for a hearing under the Uniform Administrative Procedure Act.

Regulations

The bill requires the DPH commissioner to adopt implementing regulations, which must include:

1. standards for cleaning and sterilizing equipment;
2. standards for the preparation and care of the tattoo site;
3. requirements for permitting, registration, or certification by local health departments or districts to operate tattoo establishments;
4. standards for cleaning and maintaining tattoo establishments;
5. requirements concerning protocols to prevent infection for tattoo technicians to follow and a requirement that a written copy of the protocols be kept at tattoo establishments.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 28 Nay 0 (04/05/2013)